

REMARKS

Summary of the Amendment

Claims 13-56 are pending with claims 13-32, 36-52 and 54 being withdrawn by the Examiner.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claims 31-35, 53, 55 and 56 over the art of record. By the present remarks, Applicant submits that the rejection should be withdrawn, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Interview of March 21, 2007

Applicant appreciates the courtesy extended by Examiner Johnson in the telephone interview of March 21, 2007. In that interview, Applicant's representative discussed, among other things, that at least claims 31, 33 and 53 are not disclosed or suggested by STEIGERWALD. The Examiner disagreed explaining, among other things, that he may properly interpret the overall diameter of the parts as their length and that the screws 40 shown in Fig. 1 can be interpreted as the recited clamping arrangements.

Applicant's representative specifically pointed out that such an interpretation was unreasonable because one having ordinary skill in the art would not interpret the length of the parts disclosed in STEIGERWALD to mean a diameter at least because

STEIGERWALD discloses that the parts are tubes and tubes have both a diameter and a length. The Examiner disagreed and insisted that his interpretation was reasonable and consistent with current USPTO rules.

The Examiner, however, agreed to reconsider the rejection over STEIGERWALD if claims 31, 33 and 53 were amended to further recite that that the overall width of the profiled cross-section is measured perpendicular to the length. However, the Examiner indicated that he would not enter such an amendment because further searching would be required, and that an RCE would need to be filed for such consideration.

Traversal of Rejection Under 35 U.S.C. § 102

Applicant traverses the rejection of claims 31-35, 53, 55 and 56 under 35 U.S.C. § 102(b) as anticipated by US Patent No. 3,732,613 to STEIGERWALD.

The Examiner asserted that this document discloses all the features recited in these claims. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses or suggests, Applicant submits that no proper reading of STEIGERWALD discloses or suggests: inter alia, a method for joining parts having a *profiled cross-section and a length which is greater than an overall width of the profiled cross-section* by friction welding, as recited in each of amended independent claims 31 and 33; and inter alia, a method for joining two parts having a *length which is greater than an overall width of the profiled cross-section* by friction welding using a device for friction welding parts, the device comprising

first and second clamping arrangements structured and arranged to position ends of the parts against one another, at least one of the first and second clamping arrangements being axially movable with respect to another of the first and second clamping arrangements, first and second moving devices for respectively moving the first and second clamping arrangements along a direction that is parallel to a part cross-sectional plane, and first and second control devices for controlling movement of the first and second moving devices, wherein the part cross-sectional plane is defined by an end face of one of the parts, wherein the method comprises *clamping the parts in first and second clamping arrangements, the first clamping arrangement surrounding a portion of one of the parts and the second clamping arrangement surrounding a portion of another of the parts*, arranging ends of the two parts opposite one another, pressing the ends against one another by moving at least one of the ends axially relative to another of the ends, moving the ends relative to each other along a direction which is parallel to an end surface of at least one of the ends, axially aligning the parts, and metallicity bonding the ends of the two parts, wherein, during the pressing, the parts do not rotate and at least one of the ends of the parts is moved around a joint axis in a circulating manner, as recited in amended independent claim 53.

Applicant acknowledges that Fig. 1 of STEIGERWALD apparently discloses an arrangement which can friction weld parts 28 and 20. However, as explained in the Interview, the arrangement is able to weld the parts by securing opposite ends of the parts to plates (e.g., plate 18). While such an arrangement can function to weld parts which are shorter in length and their cross-sectional width (as is shown in Fig. 1), it is not apparent

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that such a device could properly friction weld parts which have, among other things, a length which is greater than an overall width of the profiled cross-section.

Furthermore, it is not apparent that STEIGERWALD discloses an arrangement which could friction weld parts having a profiled cross-section in combination with the parts also having a length which is greater than an overall width of the profiled cross-section.

In the Interview, the Examiner clarified that he may properly interpret the axial width of the inner circumferential surface of part 20 in Fig. 1 as the recited profiled cross-section of the parts which are recited to have a profiled cross-section and a length which is greater than an overall width of the profiled cross-section. Applicant submits that this is improper and contrary to the disclosure of STEIGERWALD. STEIGERWALD teaches one part 20 having a circular cross-section and another part 28 having a profiled cross-section. Thus, only 28 (not part 20) has a profiled cross-section. Furthermore, the overall width of these cross-sections is disclosed as essentially their overall diameters. Finally, Applicant submits that one having ordinary skill in the art would define the term "length" as the axial length of the parts 20 and 28, and not the diameter of these parts. Under the proper definition of this term, the length of tubular parts 20 and 28, for example, could not reasonably be characterized as their diameters, as asserted by the Examiner in the Interview. Accordingly, Applicant submits that the Examiner is improperly ignoring the plain language of the claims and ignoring what STEIGERWALD actually discloses in favor of an unsupported assertion of what the Examiner would like STEIGERWALD to disclose.

In the Interview, the Examiner also clarified, as regards claims 53, 55 and 56, that the screws 40 constitute part of a clamping arrangement that surrounds at least a portion

of part 20. Applicant submits that this assertion ignores the meaning of the term “surrounding”, fails to consider that only part 20 (not part 28) is covered by any part of the screws 40, and is contrary to the disclosure of STEIGERWALD. Applicant does not dispute that STEIGERWALD teaches to use screws 38/40 to secure the plate 18 to links 30/32. However, it is not understood how the screws 40 can be interpreted to encircle on all sides the part 20. As the Examiner may know, the term “surround” means to encircle on all sides simultaneously according to Webster’s II, *New College Dictionary*. Further, even if the Examiner were correct that the screws 38/40 encircle all sides of part 20 (which Applicant would dispute), the Examiner must acknowledge that the screws 38/40 in Fig. 1 clearly do not cover or encircle any portion of the other part 28. Nor can the Examiner properly argue that the screws 38/40 are structured and arranged to position ends of the parts against one another as recited in claim 53. Again, the screws 38/40 in STEIGERWALD merely connect the links 30/32 to the plate 18 (see col. 7, lines 2-9 of STEIGERWALD). Thus, the Examiner is again improperly interpreting or ignoring the claim language and improperly ignoring what STEIGERWALD actually discloses in favor of an unsupported assertion of what the Examiner would like STEIGERWALD to disclose.

Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper reading of STEIGERWALD.

Because the applied document fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that any proper reading of this document fails to render anticipated, or even unpatentable, the combination of features recited in at least independent claims 31, 33 and 53.

Moreover, Applicant submits that dependent claims 32, 34 and 35 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of STEIGERWALD discloses or suggests, in combination: that the method further comprises, after the axially aligning, forcing the ends of the parts together as recited in claim 32; that the method further comprises, after the axially aligning, forcing the ends of the parts together to produce an all-over metallic bonding of the ends of the parts as recited in claim 34; and that the pressing produces a weld area and takes place under increased pressure as recited in claim 35.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(b).

Request for Rejoinder of Non-Elected Claims

Applicant submits that rejoinder of withdrawn claims 36-51 is now proper. At the very least, claims 36-51 should be rejoined because these claims depend from claim 33 which is believed to be allowable. Applicant refers the Examiner to MPEP 821.04 which indicates that withdrawn claims which depend from or otherwise include all the limitations of the allowable claims will be rejoined if presented prior to allowance and issuance of a final rejection. Accordingly, Applicant requests that the Examiner rejoin all the withdrawn claims directed to the non-elected invention and consider the merits of the same.

CONCLUSION

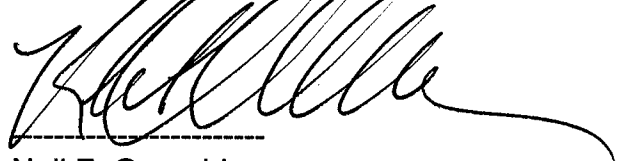
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
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